

D/E

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BARBARA ZINNAMON,

Plaintiff,

-against-

NEW YORK CITY POLICE DEPT.;
HOUSING POLICE,

Defendants.

-----x

ROSS, United States District Judge:

NOT FOR PRINT OR
ELECTRONIC PUBLICATION

08-CV-2153 (ARR)

MEMORANDUM
AND ORDER

On May 22, 2008, plaintiff Barbara Zinnamon, appearing *pro se*, filed this action against defendants New York City Police Department and Housing Police. By order dated June 2, 2008, the court granted plaintiff's request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a), but dismissed the action for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12 (h)(3) and for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B). On June 18, 2008, the court denied plaintiff's motion for reconsideration. On October 10, 2008, the United States Court of Appeals for the Second Circuit dismissed plaintiff's appeal. Plaintiff now files an "Amended Complaint" dated January 23, 2009. Attached to the "Amended Complaint" are papers titled for the United States Court of Appeals, including a notice of appeal and motion for extension of time dated December 16, 2008.

No action shall be taken on this "Amended Complaint" as this case is closed. To the extent plaintiff seeks reconsideration of the United States Court of Appeals decision dismissing her appeal, this court is without jurisdiction to grant such relief. Plaintiff is directed to contact the United States Court of Appeals directly for instructions on how to seek reconsideration of their orders. Moreover, there is nothing to suggest that plaintiff seeks further reconsideration of this court's order dismissing this action. In any event, such relief would be denied as there is no basis to alter the court's decision dismissing this action pursuant to Fed. R. Civ. P. 60(b).

Conclusion

As this case is closed, no action shall be taken on this submission entitled "Amended Complaint." No response to this submission is required of defendants. To the extent plaintiff seeks reconsideration of this court's order dismissing the action, it is denied. Fed. R. Civ. P. 60(b). The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/S/
Allyne R. Ross
United States District Judge

Dated: February 5, 2009
Brooklyn, New York

SERVICE LIST:

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